

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

BANXCORP,

Plaintiff,

vs.

BANKRATE, INC.,

Defendant.

Civil Action No. 07-3398

Hon. Kevin McNulty, U.S.D.J.

**ORDER GRANTING
DEFENDANT'S MOTION TO
DISMISS PORTIONS OF THE
SIXTH AMENDED
COMPLAINT**

The above matter having been opened to the Court by Lowenstein Sandler, PC, attorneys for Defendant Bankrate, Inc., upon application for an Order granting Defendant's Motion to Dismiss Portions of the Sixth Amended Complaint, and the Court having considered the papers submitted and the arguments of counsel, if any, and for good cause shown,

It is on this _____ day of _____, 2012,

ORDERED that the Defendant's Motion to Dismiss Portions of the Sixth Amended Complaint is hereby **GRANTED**;

ORDERED that Plaintiff BanxCorp's First Claim for Relief in the Sixth Amended Complaint (except with respect to LendingTree) is **DISMISSED** with Prejudice; and it is further

ORDERED that Plaintiff BanxCorp's conspiracy claim in Fifth Claim for Relief of the Sixth Amended Complaint (6AC ¶ 323(A), (B)) (except with respect to LendingTree) is **DISMISSED** with Prejudice.

Hon. Kevin McNulty, U.S.D.J.